



WISCONSIN REGULATORY DIGEST

A Publication of the
**EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS**

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SECRETARY MARLENE A. CUMMINGS' VIEW ON THE ROLE OF THE WISCONSIN DEPARTMENT OF REGULATION & LICENSING

As Secretary of the Wisconsin Department of Regulation and Licensing, I am frequently asked for information about the department and believe that it is useful from time to time to discuss the structure and philosophy which guides the work of this department as well as providing information on the department's current strategic business goals.

The Department of Regulation and Licensing is an umbrella agency, which provides services to 20 boards. These boards are responsible for the regulation of a wide variety of professions and the department independently regulates many other professions, occupations or entities. There are basically three different regulatory activities provided by the boards and the department.

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They are: 1) the application and examination process; 2) defining what a certain type of credential entitles credential holders to do by focusing on a scope of	

practice, professional conduct, and professional ethics written into administrative code, and; 3) enforcement.

One of the more unique oversight board arrangements in the department is the joint board which regulates professional engineering, architects, landscape architects, designers and land surveyors. This joint board is in the Division of Business Licensure and Regulation. This division is divided into two bureaus to allow for more-direct staff service to the boards and for staff to become better acquainted with the issues surrounding each profession.

This board, along with all other boards in the department, sets standards of professional competence and conduct for the profession under its charge; prepares, conducts and grades the examinations of prospective new practitioners; grants licenses; investigates complaints of alleged unprofessional conduct; and performs other functions assigned to it by law. One of the most important departmental responsibilities is to assist the boards in discharging these duties.

In addition, the department also:

- Acts as a conduit for professions in their interaction with other state agencies or the governor's office.
- Responds to complaints of unlicensed practice. Through the administrative injunction process, the department is able to effectively take action in unlicensed practice cases.
- Provide services to customers through expanded use of automated telecommunications services and by facilitating electronic transmission of information via the Internet.
- Participates in seminars and information exchanges with professional credential holders and their statewide associations to learn more about the professions and to provide better services.

If anyone has questions regarding the work of the department or has suggestions on how the department can better provide services to the public or credential holders, you may call (608) 266-3423 to pass along your ideas.

BOARD MEMBER INFORMATION

Governor Thompson Appoints New Board Members

Karen Sathoff, Green Bay, has been appointed to the Architects Section as a professional architect member. She has been an architect for over 19 years with experience in both residential and commercial designs.

D. Bruce Carlson, Rhinelander, has been appointed to the Architects Section as a public member after serving eight years on the Funeral Directors Examining Board. He was the Board chair for over 3 years.

Lisa K. Stark, Eau Claire, has been appointed to the Architects Section as a public member. Ms. Stark is a practicing attorney partner with the firm of Misfeldt, Stark, Richie and Wickstrom. She was admitted to practice in 1982. Ms. Stark is presently involved in many professional attorneys associations. To name a few: American Bar Association, Wisconsin State Bar Association, including Young Lawyers and Eau Claire County Bar Association. She is also on the Board of Directors of the Western District of Wisconsin Federal District Court Bar Association and the American Bank of Eau Claire.

Bernie Abrahamson, River Falls, has been appointed to the Landscape Architects Section as a public member. Mr. Abrahamson is president of Educational Services Company.

Lynda Farrar, Oregon, has been appointed to the Professional Engineers Section as a public member after serving over 12 years on the Optometry Examining Board as an optometrist member. Dr. Farrar has taught optometry at both the Illinois College of Optometry and the Madison Area Technical College. She has been in an active optometric practice in both Oregon and Madison areas for over 28 years. Dr. Farrar has been an active citizen of the Oregon community, serving on the Board of Directors of the Bank of Oregon, as well as numerous community committees.

Nancy L. Sobczak, Milwaukee, has been appointed to the Professional Engineers Section as a professional engineer member. Ms. Sobczak has considerable experience as an engineering management consultant and practitioner. In addition she is a guest lecturer for Marquette University.

James E. Rusch, New Richmond, has been appointed to the Land Surveyors Section as a professional land surveyor member. Mr. Rusch is the County Surveyor for St. Croix County and has owned his company for five years. He has been a past officer of the Northwest Chapter of the Wisconsin Society of Land Surveyors, as well as numerous professional land surveyors societies.

Harold H. Kolb, Lake Geneva, has been appointed to the Land Surveyors Section as a professional land surveyor member. Mr. Kolb's practice as a land surveyor has spanned over 54 years as a practitioner and owner of his surveying company. He has also served on the Board of Directors of Wisconsin Society

of Land Surveyors and was the first president of the Southeast Chapter of the Wisconsin Society of Land Surveyors.

Robert G. Hoskins, West Allis, has been appointed to the Land Surveyors Section as a public member. Mr. Hoskins has previously served as Executive Secretary to the Bingo Control Board.

Karen Kalishek, Shawano, has been appointed to the Designers Section as a public member, after serving 9 years on the Accounting Examining Board.

Governor Thompson Reappoints Board Members

The following board members were reappointed to the Joint Board for another four year term: Roger Roslansky, Architects Section; Teresa Adler, Landscape Architects Section; Harvey Shebesta, Professional Engineers Section; and Jim Dorn, Dean Field and Donna Rozar for the Designers Section.

Six Long-Serving Board Members Complete Their Terms

The following members have completed their terms on the board: Dennis Brown (10 years) and Melvin Russell (9 years) for the Architect Section; Mark Nurczyk (8 years) for the Professional Engineer Section; Robert Sheffers (9 years), Melvyn Hoffman (10 years) and David Schmalz (8 years) for the Land Surveyors Section. Dennis Brown, Melvyn Hoffman and Melvin Russell were public members. Mark Nurczyk, Robert Sheffers and David Schmalz were professional members.

Also, Sheila Pudelko (3 years) and Frank Fronczak (1 year) have recently resigned from the Professional Engineers Section

Members of all sections of the joint board wish to recognize and commend these Board members for their dedication and years of service to the board and the citizenry of Wisconsin.

ORIGINAL APPLICATION DENIALS

Questions are frequently raised regarding the department's rules governing denial of an application for an original credential. Despite having been put into effect nearly three years ago, these rules remain somewhat confusing for those who may have operated under rules which existed prior to 1996.

Prior to 1996, chapter RL 1 of the department's administrative code provided that any denial of an application, including a denial based upon examination failure, resulted in a right to a hearing on that denial. However, the rules which have been in place since

July, 1996 distinguish between candidates who have failed a licensing examination and those whose applications are denied for some other reason.

Under current rules, a denial hearing is available to an applicant who has failed a licensing examination ONLY if the applicant has exhausted all other available examination review or regrading procedures and the applicant is either no longer eligible to retake the licensing examination or re-examination is not available within six months from the date the applicant was last examined. The rationale for this approach is that an applicant is not eligible for a license until his or her application is complete, and an application is not complete until the applicant has submitted proof of having passed any required qualifying examination.

In addition, prior to 1996, an applicant could, upon notification of denial, request a hearing on the denial which would have been granted if requested within 30 days and if some minor formalities were followed. However, under current rules, the denial procedure has become a two-step process. Upon a determination by the credentialing authority that the applicant does not meet the eligibility requirements, a "Notice of Intent to Deny" is issued. This notice sets forth the basis for the anticipated denial and states that the credential will be denied unless the applicant submits further information within 45 days which shows that he or she is eligible for a license. This procedure permits an applicant who qualifies for a license, but who has failed to provide the information necessary to permit the authority to make a correct determination, to remedy that failure without resorting to a lengthy and expensive formal administrative hearing.

If the applicant fails to provide additional information within 45 days, the "Notice of Intent to Deny" operates as a notice of denial and the 45-day deadline for requesting a hearing on the denial is deemed to have expired. If the applicant does provide additional information within 45 days, but the credentialing authority determines the applicant is still ineligible for a license, a "Notice of Denial" is issued and the applicant has 45 days to request a hearing on the denial. The credentialing authority has 45 days to grant or deny such a request, but the request will be granted if the request includes a specific description of the mistake in fact or law that the applicant believes the authority has made and if the request includes a statement of the facts of the law upon which the applicant relies.

ADMINISTRATIVE RULES UPDATE

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors put forth a significant effort last year and revised its rules. Below is a summary of the

administrative rules changes. A copy of the administrative rules may be obtained by following the instructions under “Wisconsin Statutes and Code” on the back of this regulatory digest.

The proposed rule-making order of the Board contained amendments which relate to the definitions, the statutory authority, and the form, style, placement, clarity, grammar, punctuation and plain language of the current rules.

The following are changes of a more substantive nature:

Rules are amended to clarify that the passing score set by all sections of the board represents the minimum competency standards required to protect the public health and safety. Rules were created relating to penalties for all sections of the board for examination candidates who cheat on an examination. Rules were amended to clarify that an engineer-in-training applicant may not take the principles and practice examination until the applicant obtains the appropriate amount of experience. Rules are amended to remove the unnecessary language describing the duration of the examination, which may change from time to time as the examination contents change. Rules are amended to require applicants for registration as a professional engineer and as a landscape architect to submit material relating to qualification for an examination to the board office no later than 90 days before the examination date. This would allow staff adequate time to process an applicant’s materials and to communicate to the applicant the status of items submitted. Rules are clarified as to what constitutes an accredited college or university for meeting the educational requirement for land surveyors. Rules are amended to require that both experience and educational requirements for professional geologists must be completed within 10 years preceding the date of application.

CURRENT STATISTICS	ACTIVE	REGISTRATION
Architects		4468
Landscape Architects		379
Professional Engineers		18257
Designers		970
Land Surveyors		1498

ARCHITECTS SECTION

Legislative Change Update

1997 Assembly Bill 655 died at the end of the last legislative session. The Section agreed at its March 10, 1999, meeting to begin a study to determine whether legislation should be introduced to require a professional degree and experience for licensure and to

repeal the provision under which a person may qualify for a Wisconsin license by experience only.

Future 1999 Architect Meeting

November 10. The meeting will be held at 1400 East Washington Avenue, Madison, WI. Meetings are open to the public.

EXAMS – Individually scheduled.

LANDSCAPE ARCHITECTS SECTION

Legislative Change Proposed

The section will have 1997 Assembly Bill 655 redrafted for the 1999-2000 legislative session. Under current law, an applicant for registration as a landscape architect must pass a written exam or written and oral exams. The draft will include language requiring that the exam include questions designed to demonstrate knowledge of the design needs of people with physical disabilities and of relevant statutes and codes.

“CLARB”

The Council of Landscape Architectural Education Boards (CLARB) had its 1998 annual meeting this past fall in Minneapolis. Jay Fernholz, Chair of the Landscape Architects Sections, represented Wisconsin at this meeting.

“Continuing education” was a prime subject of conversation at the annual meeting where it was disclosed that twelve states presently require continuing education to maintain licensure. John Carment, Chair of the Continuing Education Committee and immediate past regional Director of Region 2 (which includes Wisconsin), said this number may double in the next 18 months or so. CLARB has also produced six “Short Subjects for Design Professionals” as one source of continuing education units. The American Institute of Architects Continuing Education System (AIA-CES) has reviewed these educational monographs (Designer Shorts) for use in fulfilling requirements for licensure renewal.

In addition, CLARB is currently working towards offering all sections of the LARE exam twice a year. Presently, the entire exam is offered only in June, with limited sections being offered again in December.

The Canadian Society of Landscape Architects is considering adopting CLARB. Ontario and British Columbia are already members.

In 1998, CLARB completed the second Task Analysis Study. Nearly 6,000 task analysis questionnaires were sent out to landscape architects in North America, as well as Australia, China, South Africa and the European community. Over 2,000 completed questionnaires were returned. Of the hundreds of items comprising the knowledge, skills and abilities

which the profession deemed important to protecting the public health, safety and welfare, the principles of grading and drainage were included in the top five.

Landscape Architect Section 1999 Meeting

October 13. The meeting will be held at 1400 East Washington Avenue, Madison, WI. Meetings are open to the public.

PROFESSIONAL ENGINEER SECTION

Incomplete Applications

by Harvey Shebesta, Chair

During 1998, the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors reviewed more than 1200 applications for licensure or applications to take the examination leading to licensure. Unfortunately, too many of these applications were denied or approval was withheld because they were deficient in one or more aspects.

Applicants whose applications are denied or withheld may experience the inconvenience of missing one of the exams or incur unnecessary expenditures of time and money if they elect to present their case at a board hearing. Many times the documents and exhibits presented at hearings clearly indicate enough experience in qualifying engagements to warrant approval. Had the applicants clearly and adequately described their engagement duties and responsibilities in their original applications they could have avoided delays and additional effort.

In reviewing applications the board compares the qualifications included in each application with the requirements listed in chapter 443 of the statutes along with the administrative rules. Applicants are strongly advised to consult these sources for guidance in preparing applications and describing experience.

To assure that your application is acceptable: 1) Describe your engagements in sufficiently clear and definitive terms so the board can recognize and evaluate the tasks and responsibilities included in your work experience. 2) Claim between-semester engineering-related engagements only if they were taken as part of a formal co-op program and noted as such on your transcript of grades. 3) Avoid using acronyms and professional jargon in describing your engagements. 4) Claim only one year's experience if simultaneous or overlapping engagements make up the year's experience. 5) Prorate qualifying time earned in part-time engagements to a 40-hour week, i.e., one month at 20 hours per week earns half a month's credit. Time over 40 hours per week, however, does not increase the engagement's value of computing time. 6) Indicate full-time or part-time, including the number of hours spent weekly in each engagement.

Help the board help you reach your goal of licensure.

Examination Information

Applicants applying for the principles and practice of engineering examination must contact Continental Testing Services (CTS) at 800-717-1201 to obtain the examination packet. The scheduling form and fee must be submitted to CTS. The eligibility application, the fee and all supporting documents must be submitted to the Professional Engineers Section by the examination deadline. All first time applicants sitting in Wisconsin must complete an eligibility application. The Professional Engineers Section has been receiving requests to sit for the exam without the proper application materials. Failure to submit the required application materials will mean that you will not be permitted to sit for the examination.

All Applicants

Do not request the application for a credential until you have met the requirements for licensure. The forms are routinely updated and fees change. Requesting an application too soon may mean that you have received an outdated application packet which also may mean a delay in processing your application for a credential. Please do not use outdated forms, as they will be returned to you for correction.

Professional Engineering Section 1999 Meeting Date

November 12. The meeting will be held at 1400 East Washington Avenue, Madison, WI. Meetings are open to the public.

Wisconsin Exam Results: Fundamentals and Principles & Practice of Engineering

Fundamentals of Engineering				
	10/97	4/98	10/98	CU M
# Cand	331	422	261	6978
# Pass	235	326	187	4860
% Pass	71.0	77.3	71.6	69.6
Principles and Practice of Engineering				
	10/97	4/98	10/98	CU M
Chem				
# Cand	1	1	1	78
# Pass	1	0	0	27
% Pass	100	0	0	34.6
Civil				
# Cand	108	121	115	2222
# Pass	38	21	47	852
% Pass	35.2	17.4	40.9	38.3
Envir				
# Cand	13	7	8	119
# Pass	11	6	4	57
% Pass	84.6	85.7	50.0	47.9
Elec				

# Cand	23	27	20	771
# Pass	6	8	12	241
% Pass	26.1	29.6	60.0	31.3
Mech				
# Cand	49	43	42	1049
# Pass	22	18	20	317
% Pass	44.9	41.9	47.6	30.2
All P&P				
# Cand	213	206	210	481
# Pass	86	56	96	169
% Pass	40.4	27.2	45.7	35.2

DESIGNER SECTION

Legislative Update

The Section decided to discontinue its pursuit of repealing the reference to “subfields” and to propose again two legislative changes to the Designers Section statutes.

Under current law an applicant can obtain a designer permit by either: 1) having 8 or more years of experience in specialized engineering design work and pass a written exam; or 2) being over 35 years old and having 12 years of experience in Wisconsin in the preparation of plans, specifications, designs and layouts in specific fields. In addition, any academic training in engineering technology or participation in an approved apprenticeship program may be considered equivalent to not more than 4 years of experience. Graduation from a course in a subject other than engineering technology is counted as the equivalent of 2 years of experience. The bill will eliminate the second alternative and change the first alternative by decreasing the experience from 8 years to 6 years. In respect to an applicant who has graduated from a course in a subject other than engineering technology, the board may (but is not required to) count that course work as the equivalent of not more than 3 years of experience. The Section will have 1997 Assembly Bill 655 redrafted for the 1999-2000 legislative session.

Designers Section 1999 Meetings

September 23. All meetings are held at 1400 East Washington Avenue, Madison, WI. Meetings are open to the public.

LAND SURVEYORS SECTION

WSLS - Wisconsin Society Of Land Surveyors - Ethics And Standards Of Practice Committee

Consistent with the mission of the Department of Regulation and Licensing to protect Wisconsin consumers, the Wisconsin Society of Land Surveyors (WSLS) has a number of committees which are charged with the same responsibility. Notable among these is the WSLS Ethics and Standards of Practice

Committee (“Ethics Committee”). This group meets on an “as needed” basis or on the call of the committee chair. While this committee may lack the regulatory or the enforcement powers of the department, it has served a very useful purpose in protecting the interests of the consumer and of registered surveyors. This has been accomplished by actions taken by the committee to resolve conflicts and by working to upgrade the standards of the profession.

Wisconsin has 2111 registered land surveyors, with about 1498 of these actively engaged in the profession. In 1998, there were over 700 members of the WSLS. The Ethics Committee is a volunteer group of about a dozen individuals. Some of these are more recently registered members, but most are more experienced surveyors. They reside in all parts of the state and represent a very broad spectrum of practice.

The Ethics Committee has recently been involved in working to develop recommendations for updating the “Code of Ethics for Wisconsin Surveyors.” The goal is to promulgate the highest professional standards for all registered surveyors. This, in conjunction with continuing education, should ensure that Wisconsin surveyors remain among the best in the nation.

When a complaint is filed with WSLS, whether by a member of the WSLS, a non-member surveyor, or a public consumer, the approach has been similar to the background investigatory work done by the department. Copies of surveys and the exact nature of the complaint are reviewed and discussed. Cooperation of all parties is sought through a variety of channels, so that a reasonable solution can be achieved prior to more formal action by the department.

This process has resulted in decreasing the number of complaints being filed with the department, especially those less significant matters which would likely be dismissed by the department, thus saving expensive investigation, staff and material costs. While this may not reach the level of formal “self-regulation,” it does serve to promote the “public good” and helps to keep standards high. This less threatening, less expensive approach also serves to illustrate to public complainants that surveyors are taking steps, on their own, to maintain and promote the highest possible levels of professional practice standards.

Land Surveyor Examination Results for ALL Candidates

Date	Fundamentals	Princ. & Practice	Jursidictional
October 1997			
# Candidates	29	33	41
# Pass	16	12	33
% Pass	55.2%	36.4%	80.5%
April 1998			
# Candidates	43	47	33
# Pass	22	37	18
% Pass	51.2%	78.7%	54.5%

October 1998			
# Candidates	45	29	42
# Pass	27	12	23
% Pass	60.0%	41.4%	54.8%
CUMULATIVE	(10/92 to		
# Candidates	10/98)	507	626
# Pass	474	274	305
% Pass	268	54.0%	48.7%
	56.6%		

Land Surveyors Section 1999 Meeting

November 11. All meetings are held at 1400 East Washington Avenue, Madison, WI. Meetings are open to the public.

PROFESSIONAL GEOLOGISTS SECTION UPDATE

1997 Wisconsin Act 300 removed the Professional Geologists Section from the joint board and created a new Examining Board of Professional Geologists, Hydrologists and Soil Scientists.

Section 64, which contains nonstatutory provisions, authorized the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, with the advice of the Professional Geologist, Professional Hydrologist and Soil Scientist Sections, to promulgate emergency administrative rules establishing educational, experience and examination requirements and standards of practice; including a code of ethics for their respective professions. This allowed the Board to set minimum competency standards for professional geologists, hydrologists and soil scientists. The Board's emergency rules, as created in Chapter GHSS, are in effect until October 1999. The emergency rules have been published in the official state paper – Wisconsin State Journal Sentinel.

DISCIPLINARY ACTIONS

RICHARD GRISMER, ARCHITECT

BELOIT WI

REPRIMAND/\$300 COSTS

Department of Regulation and Licensing

Examining Board of Architects, Landscape Architects

Professional Engineers, Designers and Land Surveyors

P.O. Box 8935

Madison, WI 53708-8935

RETURN SERVICE REQUESTED

Failed to review a land survey map or otherwise physically inspect property prior to preparing and submitting architectural designs to the Department of Industry, Labor and Human Relations, Safety and Buildings Division for review and approval. Effective 11/21/98. Sec. 443.11(1)(e), Stats. A-E 8.03(2)(b), 8.06(1) Case #LS9811111ARC.

GARY R. SWANSON, PROF. ENGINEER

BURLINGTON WI

EDUCATION/COSTS

He submitted four updated reference forms to NCEES. On three out of four of the forms submitted by him, the forms were not completed by the person identified as the respondent on the reference form and he himself signed the respondent's name on the forms' signature lines. He contends he was authorized to fill out and sign the forms on behalf of his references. Effective 4/17/98. Case #LS9804171ENG

RAYMOND L. HUGHES, LAND SURVEYOR

CHIPPEWA FALLS WI

REPRIMAND/COSTS

Map of survey was not a legal correct survey and it was not a survey as the law required. Effective 7/30/98. Secs. 236.20(2)(b), (i), (3)(b), 236.34(1)(c-d), Stats. A-E 7.02(2), 7.03, 7.04, 7.05(1)-(5), 7.06(1)-(5), 7.07. Case #LS9807301LSR

GARY R. SPLINTER, LAND SURVEYOR

OAK CREEK WI

REPRIMAND/COSTS

Failed to timely file a copy of an unrecorded survey with the office of the county surveyor. Errors made in the creation of two surveys. Effective 4/16/98. Sec. 59.45(1)(b), Stats. A-E 8.03(2)(b), (3)(a). Case #LS9804162LSR

GREGG E. MILLER, LAND SURVEYOR

VERONA WI

REPRIMAND

A survey map failed to show and describe the monumentation necessary for the location of the parcel and indicate whether such monuments were found or placed. Failed to timely file U.S. public land survey monument records. Effective 4/16/98. A-E 8.03(3)(a),(b),(c). Case #LS9804161LSR

MARK MORSETH-MAYER, GEOLOGIST

GREEN BAY WI

REVOKED

Fraudulently used a corporation's credit card for his personal use without approval or authorization. Minnesota filed a complaint and summons charging him with theft by swindle, attempted theft by swindle, willful attempt to evade or defeat tax, false or fraudulent return. Effective 11/11/98. Secs. 443.037(3), 443.11(1)(a)(d)(f), Stats. A-E 8.03(3)(a)(c)(d), 8.04(4), 8.09(1)(2). Case #LS9811112GEO.

REGULATORY DIGEST

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The Division of Business Licensure & Regulation has a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is:

(608) 266-5511

After dialing this number you are asked to press various extensions. For the following requests, please press numbers as noted:

Press 11
Press 12
Press 42
Press 442

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@drl.state.wi.us

See the Web site listed above.

Copies of the Wisconsin Statutes and Administrative Code Relating to the Regulation of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated February, 1999.

R:\dirlicre\itbd0899.doc

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County

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